

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

EILEEN M. RILEY,)
Plaintiff,)
v.)
FEDEX CORP., et al.,)
Defendants.)
No. 4:17-CV-2192 SPM

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion to proceed in forma pauperis. The motion will be granted. Under 28 U.S.C. § 1915(e)(2)(B), the Court is required to review the complaint and dismiss any part of it that is frivolous, malicious, or fails to state a claim upon which relief can be granted. Upon review of the complaint, the Court will dismiss plaintiff's claims against defendant Thompson Coburn, LLP.

Plaintiff brings this action under the Age Discrimination in Employment Act of 1967 (“ADEA”), 29 U.S.C. §§ 621, *et seq.*

Named as defendants are FedEx Corporation (plaintiff's former employer) and Thompson Coburn, LLP, the lawfirm that represented plaintiff's employer prior to FedEx in an employment discrimination lawsuit. Plaintiff alleges that FedEx terminated her in violation of the ADEA and subjected her to a hostile work environment. Plaintiff also alleges that FedEx knew about her lawsuit against her former employer and retaliated against her for having engaged in a protected activity in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, et seq.¹

¹Plaintiff has attached her Charge of Discrimination to her pro se complaint. Pursuant to Fed.R.Civ.P.10(c), plaintiff's Charge is incorporated into plaintiff's complaint by reference.

Although plaintiff has named Thompson Coburn as a defendant in this action, Title VII and the ADEA provide a remedy only against an employer. *See* 42 U.S.C. § 2000e(b) and 29 U.S.C. § 630(b). As such, the Court will dismiss Thompson Coburn, LLP from this action, but will issue process against FedEx Corp.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis [Doc. #2] is **GRANTED**.

IT IS FURTHER ORDERED that plaintiff's claims against Thompson Coburn, LLP are **DISMISSED**.

IT IS FURTHER ORDERED that the Clerk shall issue process or cause process to issue as to defendant FedEx Corp. at its registered agent, C.T. Corporation System, 221 Bolivar Street, Jefferson City, Missouri, 65101.

An Order of Partial Dismissal will accompany this Order.

Dated this 4th day of August, 2017.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE